

U.S. Department of the Interior, Bureau of Land Management
Kremmling Field Office
2103 E. Park Ave, PO Box 68, Kremmling, CO 80459

DETERMINATION OF NEPA ADEQUACY (DNA)

State Bridge Village Special Recreation Permit Renewal **DOI-BLM-CO-N02000-2015-016-DNA**

Identifying Information

Project Title: State Bridge Village Special Recreation Permit Renewal

Legal Description: Eagle County, Colorado; T. 2 S., R. 83 W., Sections 24 & 25, 6th P.M.

Applicant: Doog Properties SB, LLC

Background Information, Issues, and Concerns

In the spring of 2010, the owners of the State Bridge Lodge property decided to revive large music events at the Lodge. The owners, Doog Properties SB, LLC, applied for a Special Recreation Permit (SRP) to use public land along the Trough Road for parking and camping.

Douglas Moog, the owner of the property, received a Special Use Permit from Eagle County. The Special Use Permit had a maximum of 500 attendees per event day. Events over 500 attendees require an application for a Mass Gathering Permit from Eagle County. Events with over 250 attendees were limited to 15 events per year. Stipulations from the BLM and the Eagle County Special Use Permit were outlined in the original Environmental Assessment (DOI-BLM-LLCON-120-2010-045-EA).

The SRP has been renewed yearly. Since the original environmental assessment (EA), the BLM has conducted a Wild & Scenic River Eligibility Report for the Resource Management Plan Revision, an updated cultural survey of the BLM-administered lands adjacent to the private property, and the proponent has commissioned a traffic impact study for the county's mass gathering permit.

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: Kremmling Resource Management Plan

Date Approved: December 1984 and amended November 1991, and updated February 1999.

Decision Number/Page: Decision Number II B 7a/ Page 11

Decision Language: a. Objective. “To ensure the continued availability of outdoor recreational opportunities which the public seeks and which are not readily available from other sources, to reduce the impacts of recreational use on fragile and unique resource values, and to provide for visitor safety, and resource interpretation.”

Proposed Action

Project Components and General Schedule

The proposed action is to issue a one year Special Recreation Permit (SRP) to authorize camping by event participants on BLM-administered lands adjacent to the State Bridge private property. The SRP would be issued for a one year period, with the option to renew the permit, pending the results of monitoring studies. The SRP would only authorize use on the BLM-administered lands shown on the attached map. The BLM had a meeting with State Bridge in 2015 to discuss the renewal of the permit. Monitoring completed after each 2014 event and an interdisciplinary site visit and discussions (September 10 and November 22, 2014) have determined several additional stipulations that would be added to the 1-year permit.

Design Features

The SRP would include the following stipulations:

- On event weekends, the permittee:
 - Shall ensure traffic/parking attendants would be on duty directing traffic at the locations identified on the attached map.
 - Shall place six portable toilets within the proposed SRP area (see attached map). At least one portable toilet (per bank of toilets) would be kept unlocked at all times. All toilets during event weekends will be unlocked.
 - Shall place one five yard dumpster or five one yard dumpsters within the proposed SRP area (see attached map). The dumpster would be on site, ready for use by noon on Friday and remain on site through Sunday night (on holiday weekends, through Monday night). Dumpsters must be emptied frequently enough so that overflowing trash does not blow out and trash is not left next to full dumpsters. Dumpsters must be removed between events.
 - Shall be responsible for installing “Event in Progress” signs on both approaches to Trough Road on Hwy 131, approximately 1/2 mile from intersection.
 - Shall be responsible for ensuring all event traffic parks and camps on either private property or within the proposed SRP area. Paid event parking and camping are not allowed on BLM-administered lands outside the proposed SRP area (see attached map).
 - Shall be responsible for ensuring no camping occurs within the designated parking areas (see attached map).

- Shall be responsible for ensuring all campfires are in the proposed SRP area and outside the designated parking areas. The permittee is responsible for cleaning and maintenance of fire rings in the SRP area after each event.
- Shall post a point of contact on the camping bulletin board for the public to use in case of emergency or complaints.
- State Bridge Lodge shall make an authorized representative available to the BLM 24 hours a day during events. This representative must be authorized to represent and act on the State Bridge Lodge's behalf to coordinate as needed with BLM law enforcement and personnel and other event cooperators on issues requiring action. The contact information of the representative should be given to the BLM before each event.
- Parking areas would be fenced off with temporary fencing to prevent vehicle traffic outside the designated parking areas. Area C (per map) - Camping/Parking and Event Parking would allow for a maximum of 75 vehicles.
- State Bridge Lodge would make a diligent effort to enforce developed campsite rules identified in the Kremmling Resource Management Plan and posted on bulletin boards (e.g., no fire ash on ground, no amplified music in camping area, dogs must be on leash, etc.).
- An assigned site fee would be charged if more than 25 people use BLM-administered lands (including old Trough Road) during any Live Music Event.
- No State Bridge Lodge employees, volunteers, or artists may use BLM-administered lands (including old Trough Road) more than 14 days consecutively, per 43 CFR 8365.1-6, except for a camp host in the camping area of BLM-administered lands.
- No permanent structures may be built.
- The permittee would post a cash or surety bond in the amount of \$10,000 to cover any reclamation/restoration costs that result from the events.
- The permittee shall post a copy of the Special Recreation Permit (Form 29309-1) and these permit stipulations in prominent view at the campsite where cooperators and participants have an opportunity to read them.
- Violations of these conditions and stipulations may be subject to penalties prescribed in 43 CFR 2930. Additionally, such violations may result in permit revocation, suspension, or probation. Violations may also be cause for the BLM to deny approval of subsequent Permit or Operating Authorization (43 CFR Part 2932).
- Commercial activities are prohibited within the BLM-administered camping area, unless specifically authorized in advance by the BLM. State Bridge Lodge would inform BLM representatives of unauthorized commercial operations discovered at the event and the corrective actions being implemented within a reasonable time of learning about the activities. This includes but is not limited to commercial film production, photography, food services, vendors of goods and services, and other independent commercial ventures.

- State Bridge Lodge shall cooperate with the BLM or other law enforcement agencies in evaluating any request to remove individuals from the event as provided in 43 CFR 2932.57(a)7.
- State Bridge Lodge would develop and implement a plan to address exposing minors to adult activities at the campsite. The plan should include measures such as educating and requiring parents/guardians to supervise their children. State Bridge Lodge would make a diligent effort to enforce actions identified in the plan.
- Eagle County Stipulations would be followed, per Special Use Permit:
 - On event weekend, the permittee: Would be responsible for ensuring no event traffic parks on or along either the Trough Road or Colorado Hwy 131. Along both side of SH-131 and Trough Road in vicinity of the intersection and adjacent to State Bridge, 'No Parking' signs would be installed as requested by CDOT and Eagle County.
 - Uniformed traffic control shall be required for any event where more than 250 event tickets have been issued; a commissioned law enforcement officer would direct traffic at the intersection between the Trough Road and Colorado Hwy 131 for the duration of an event as defined by Colorado State Patrol and/or Eagle County Sheriff's Department. Colorado State Patrol and the Eagle County Sheriff's Department may determine that Uniformed Traffic Control is not necessary and documented in writing.
- The BLM would monitor the project area for establishment of invasive, non-native species. BLM would be responsible for the treatment of invasive and non-native species.
- The BLM would conduct an inter-disciplinary assessment of the area at the end of the season, prior to considering permit renewal. Preventive or remedial modifications would be added to any future permit to insure adequate vegetation protection was in place to reduce the spread of invasive species and to control erosion on the SRP site.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM KFO Archaeologist will be notified immediately. Use may not resume at that location until approved by the Field Manager. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The

process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. Pursuant to 43 CFR 10.4(g), the applicant must notify the Field Manager, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Field Manager.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop use immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the Field Manager. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
6. The applicant is responsible for informing all persons who are associated with project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood, or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

Review of Existing NEPA Documents

Name of Document: DOI-BLM-CO-120-2010-045-EA **Date Approved:** May 24, 2011

NEPA Adequacy Criteria

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

The Proposed Action is the same as analyzed in the existing NEPA document as is the project location. The original EA analyzed the parking lot being used by vehicles of campers and concert attendees, for up to 170 vehicles. This DNA would limit vehicles to those from campers only, with 75 vehicles maximum.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Two alternatives (Proposed Action and No Action Alternative) were analyzed in EA #DOI-BLM-CO-120-2010-0045-EA. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

There is no new information or circumstances that would invalidate the existing analysis. Monitoring was completed throughout the summer during the events by recreation specialists and later by resource specialists when the season was completed. There has been resource damage to soils and vegetation as anticipated from past analysis. The permit has served as a tool to control the amount of resource damage that occurs within the permitted area. This includes the establishment of protective fences, a cap on the number of parked cars, toilet accessibility, and the presence of personnel, all of which provide mitigation for soil and vegetation damage. Post season field review has found that limiting the number of vehicles and delineating a smaller parking area has improved vegetative conditions from previous years. Continuing to use temporary fencing to delineate parking and camping areas will help prevent further resource damage. Reclamation may be required in some areas after the current season. The permit would continue to be monitored. The described fencing would help vegetation to recover and improve, moving towards meeting the Land Health Standards.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action are similar to those analyzed in the existing NEPA document.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

Yes, the initial permit and its renewal were printed in the local paper. No negative comments were received.

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 05/19/2015. A complete list of resource specialists who participated in this review is available upon request. The table below lists resource specialists who provided additional review or remarks concerning cultural resources, special status species, and other resource concerns.

Name	Title	Resource	Date
Bill B. Wyatt	Archaeologist	Cultural Resources, Native American Religious Concerns	5/19/2015
Darren Long	Wildlife Biologist	Special Status Plant and Wildlife Species, Terrestrial Wildlife	5/21/2015
Hannah Schechter	Outdoor Recreation Planner	Project Lead- Recreation, Wild & Scenic Rivers, Visual Resources, Scenic Byways	05/21/2015
Zach Hughes	Natural Resource Specialist	Vegetation	05/21/2015
Paula Belcher	Hydrologist	Soil, Water, Air, and Riparian Resources	6/5/2015
Susan Valente	Natural Resource Specialist	NEPA Compliance	6/9/2015

Cultural Resources: The action is not an undertaking as defined by Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108. Therefore consultation with the State Historic Preservation Officer (SHPO) is not necessary. Tribal consultation for traditional cultural use is not necessary under Section 106.

Native American Religious Concerns: The action is not an undertaking as defined by Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108. Therefore tribal consultation for traditional cultural use is not necessary under Section 106.

Threatened and Endangered Wildlife Species: This area is part of the State Bridge Landscape Linkage that provides areas of movement for Canada Lynx between one home range to another. While this permit area is frequently inundated with disturbance, it would not restrict lynx movement across this landscape linkage.

Threatened and Endangered Plant Species: There are currently no documented occurrences of threatened or endangered plants within the permit area.

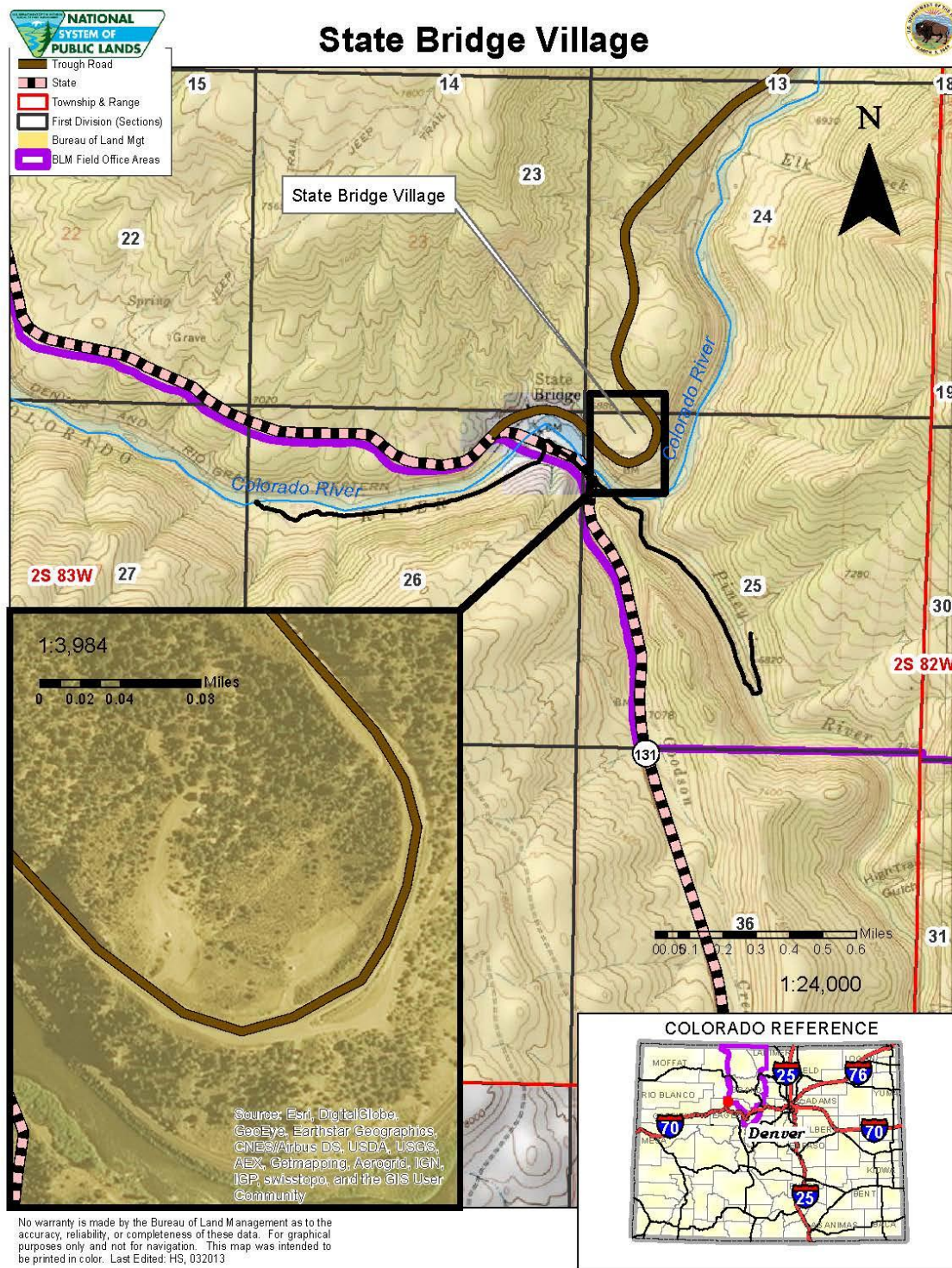
Conclusion

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

/s/ Stephanie Odell
Field Manager

6/10/2015
Date

Appendix A. Figures



U.S. Department of the Interior, Bureau of Land Management
Kremmling Field Office
2103 E. Park Ave, PO Box 68, Kremmling, CO 80459

Decision Record
State Bridge Village Special Recreation Permit Renewal
DOI-BLM-N02-2015-016-DNA

Decision

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-N02-2015-016-DNA, authorizing the renewal of the State Bridge Village Special Recreation Permit Renewal. Stipulations, mitigation measures and design features as described in this Decision Record and the attached DNA will be attached to and posted with the Special Use Permit.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM KFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
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Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the Kremmling Record of Decision and Resource Management Plan.

Environmental Analysis and Finding of No Significant Impact

The Proposed Action was analyzed in DOI-BLM-N02-2015-045-EA and it was found to have no significant impacts, thus an EIS is not required.

Public Involvement

This project was posted on the BLM online National Environmental Policy Act (NEPA) register on the date of its signing.

- https://www.blm.gov/epl-front-office/eplanning/lup/lup_register.do

Rationale

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that permitting this use is expected to move this area towards meeting Land Health Standards due to the control placed on impacts to vegetation and other resources.

Administrative Remedies

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at Kremmling Field Office, 2103 E. Park Ave, PO Box 68, Kremmling, CO 80459 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the

Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

Signature of Authorized Official

/s/ Stephanie Odell
Field Manager

6/10/2015
Date